

**To:** Vallejos, Cinna[vallejos.cinna@epa.gov]  
**Cc:** Murray, Bill[Murray.Bill@epa.gov]  
**From:** Wharton, Steve  
**Sent:** Mon 11/16/2015 6:09:36 AM  
**Subject:** CDPHE Reimbursement for Gold King Mine Expenses

Cinna - As I've been working on the La Plata County draft cooperative agreement and researching the terms Ellyn Fine sent to you, I came across an issue that may be relevant to the CDPHE reimbursements for Gold King related activities.

The fifth bullet under "Allowable" in Ellyn's 11/03 email to you states:

*"Not to be included as a cost or used to meet cost sharing/matching requirements of any other federally financed program..."*

CERCLA §104(c)(5), however, allows states to be reimbursed for pre-listing activities, if listing occurs.

Since we may find out about whether the Upper Animas Mining District (including the Gold King Mine) will be listed in the next two months, we may want to reinforce with the state that reimbursements they receive through the Block Grant for Gold King Mine release related activities will negate any future claim of cost sharing/credit for those same activities toward state obligations for the site.

Thanks,

Steve